

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Verdoes et al	Examiner:	Hruskoci, Peter A.
Serial No:	10/574,887	Group Art Unit:	1797
Confirmation No:	3343	Docket:	294-247 PCT/US
Filed:	March 12, 2007	Dated:	April 12, 2010
For:	Method for Removing at Least One Constituent From A Solution		

Mail Stop: Amendment
Commissioner for Patents
P.O. Box 1450
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<u>Anne Arlauskas</u>	<u>/anne arlauskas/</u>
(Printed Name)	(Signature)

DECLARATION UNDER 37 C.F.R. §1.132

I, Dirk Verdoes, do hereby declare as follows:

1. I am the inventor named in U.S. patent application serial number 10/574,887.
2. I am familiar with an office action that issued on January 11, 2010, concerning the above-identified application.
3. I understand from the office action that the Examiner believes the instant invention is not patentable over WO 04/11309 to Verdoes *et al.*

4. Verdoes *et al.*, is limited to embodiments wherein the filter pore size is smaller than the seed particle size. In particular, the requirement that “the filter has such a pore size that the liquid does and the seed material does not permeate through the membrane (emphasis added)” indicates that the filter pore size must be smaller than the seed particle size.

Moreover, it teaches the skilled person that the filter pore size and the seed particle size must be considered in combination.

5. A skilled artisan reading Verdoes *et al.* would understand that the ranges mentioned on page 6, lines 27-35, cannot be freely combined.

6. At the time of invention of Verdoes *et al.*, skilled artisans (including the inventors) were under the assumption that small particles could only be separated by using a filter with pore size smaller than the particles.

7. I unexpectedly discovered, as disclosed in the instant application, that open filters having a filter pore size larger than the seed particles size are nevertheless capable of blocking the seed particles.

I hereby declare that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true. Further, I hereby declare that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States code, and that such willful false statements may jeopardize the validity of the application of any patent issued thereon.

Dated: April 13, 2010

Signed: 
Dirk Verdoes